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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re: Cathode Ray Tube (CRT)  
ANTITRUST LITIGATION

Master File No. 3:07-md-05944-SC

This Document Relates To Individual Case No.  
3:11-cv-01656-SC (N.D. Cal.)

MDL No. 1917

ELECTROGRAPH SYSTEMS, INC. AND  
ELECTROGRAPH TECHNOLOGIES  
CORP.,

Plaintiffs,

vs.

HITACHI, LTD., *et al.*,

Defendants.

**FRANK LINCK'S DECLARATION IN  
SUPPORT OF DIRECT ACTION  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT BASED UPON  
PLAINTIFFS' PURPORTED FAILURE  
TO DISTINGUISH BETWEEN  
ACTIONABLE AND NON-ACTIONABLE  
DAMAGES UNDER THE FTAIA**

Judge: Hon. Samuel P. Conti  
Court: Courtroom 1, 17th Floor  
Date: February 6, 2015  
Time: 10:00 a.m.

I, Frank Lincks, hereby declare as follows:

1. I am currently Chief Financial Officer of Electrograph Systems, Inc. I make this declaration based on my personal knowledge.

2. I gave corporate representative testimony on behalf of Electrograph Systems, Inc.

1 and Electrograph Technologies Corp. (collectively, "Electrograph") in this action, and testified  
2 on Electrograph's behalf as to its practices for purchasing and acquiring CRT Products during  
3 the Relevant Period of 1995 through 2007.

4 3. During the Relevant Period, Electrograph made its purchases of CRT Products  
5 exclusively from locations in the United States, as reflected at pages 147 to 148 of  
6 Electrograph's corporate representative deposition testimony, a true and correct copy of which  
7 is attached hereto as Exhibit 1.

8 4. During the Relevant Period, Electrograph's standard business practice was to  
9 purchase CRT Products exclusively from vendors which were within the United States, as  
10 reflected at pages 60, 67, 147, and 247 to 248 of Electrograph's corporate representative  
11 testimony, a true and correct copy of which is attached hereto as Exhibit 2.

12 5. During the Relevant Period, Electrograph purchased CRT Products directly from  
13 Defendants, co-conspirators and their affiliates located in the United States, as reflected in the  
14 purchase data Electrograph produced in this litigation.

15 6. Electrograph's vendors, including Defendants, co-conspirators and their affiliates,  
16 shipped these CRT Products to Electrograph's locations or customers in the United States, as  
17 reflected at page 153 of Electrograph's corporate representative testimony, a true and correct  
18 copy of which is attached hereto as Exhibit 3.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 18th day of December, 2014, at 54 Roxen Rd, Rockville Centre, NY  
21 11570.

22 By: 

23 Frank Lincks  
24  
25  
26  
27  
28

# Exhibit 1

Frank Lincks

June 12, 2014

Highly Confidential

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CASE NO. CV-07-5944-SC  
MDL NO. 1917

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IN RE: CATHODE RAY TUBE (CRT) :  
ANTITRUST LITIGATION. :  
-----

This document relates to:  
ALL ACTIONS

\* \* \*

VIDEOTAPED 30(b)(6) DEPOSITION OF  
ELECTROGRAPH SYSTEMS, INC. BY FRANK LINCKS

\* \* \*

TRANSCRIPT of testimony as taken by  
and before MONIQUE VOUTHOURIS, a Certified Court  
Reporter, RPR, CRR and Notary Public of the States  
of New Jersey and New York, at the offices of  
KIRKLAND & ELLIS LLP, 601 Lexington Avenue,  
New York, New York, on Thursday, June 12, 2014,  
commencing at 9:08 a.m.

1 remain competitive, you know, the market catches up  
2 to -- to the pricing after a point in time, sometimes  
3 more quickly than others. Certainly more recently  
4 with price shopping capability on the Internet, it's  
5 much more instantaneous. But, generally, others  
6 follow suit, you know, subsequently.

7 Q. I believe you testified earlier that  
8 Electrograph only purchased from domestic vendors.  
9 Is that right?

10 MR. IOVIENO: Object to the form.

11 A. Electrograph had distribution  
12 arrangements with the U.S. subsidiaries of these  
13 multinational manufacturers.

14 Q. Electrograph did not purchase from any  
15 foreign CRT product subsidiaries or vendors. Is that  
16 correct?

17 A. I'm not saying it never happened, but as  
18 a matter of general business activity, if it  
19 occurred, it would -- if it occurred, it would have  
20 been a rarity. Our -- our business activities were  
21 conducted with the U.S. subsidiaries.

22 Q. Did Electrograph ever visit CRT product  
23 vendors overseas?

24 A. I believe over the years Sam Taylor and  
25 I believe Mike Ahmar, perhaps Robbie Chikhani have

1       been overseas to tour plants, things of that nature.  
2       I don't know specifics on when and where and whom  
3       they visited. But I recall hearing stories that --  
4       from that group that from time to time they -- over  
5       the years they visited. I don't recall any such  
6       visits taking place since the date I was hired. But  
7       over the years it certainly happened on occasion.

8               Q.       Do you know if any negotiation for  
9       purchases of CRT products occurred during those  
10      visits?

11             A.       I don't have specific knowledge of that,  
12      but I don't believe that to be the case. You know, I  
13      think it was very -- it was very straightforward in  
14      how we did business with the U.S. subsidiary and we,  
15      you know, we were subject to their distribution, you  
16      know, guidelines and pricing and we adhered to that.

17             Q.       Did Electrograph issue purchase orders  
18      to CRT product vendors?

19             A.       Yes.

20             Q.       How often would purchase orders be  
21      issued?

22             A.       Purchase orders would be issued every  
23      time there was a need to purchase something.

24             Q.       How often did that occur?

25             A.       We issued purchase orders every day for

# Exhibit 2

Frank Lincks

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1 respect. So it had some direct manufacturer  
2 relationships, but it also purchased a significant  
3 amount of volume of product indirectly through  
4 various distribution channels. So a typical --  
5 typical suppliers would have been the broadline  
6 distributors such as Ingram Micro, Tech Data, Synnex,  
7 MicroAge, companies of that nature.

8 Q. And which manufacturers did Manchester  
9 purchase from?

10 A. I know that certainly for portions of  
11 time during the relevant period, Manchester would  
12 have had direct relationships with some of the  
13 divisions of Toshiba, some of the divisions of NEC.  
14 That said, I don't know if those activities included  
15 CRT products specifically.

16 I do know that, you know, when it came  
17 to purchasing laptops, Manchester dealt directly with  
18 one of the Toshiba U.S. subsidiaries. I don't have a  
19 level of detail on the CRT monitors. It was a small  
20 part of their -- of their business. They were  
21 selling and installing servers, networking gear,  
22 laptops, desktops. So on a percentage basis,  
23 computer monitors were certainly a part of the  
24 business, but not a focus of the business, whereas in  
25 the Electrograph and ICG world display products were

1 Panasonic, Sharp, Sony, ViewSonic. May have been  
2 others. Mitsubishi.

3 Q. Do you know which entities you purchased  
4 from? I'm sorry. Do you know which entities  
5 Activelight purchased from?

6 A. Activelight purchased from the various  
7 U.S. subsidiaries of those foreign companies or  
8 multinational companies. And again, I may have been  
9 missing some -- some names, but those are the ones  
10 that come to mind. But as a general matter of  
11 practice, that's how each of the companies did  
12 business. We dealt with the U.S. subsidiaries, we  
13 dealt with the -- the U.S. sales representatives  
14 employed by those manufacturers.

15 Q. Let's move on to Cinelight. How did  
16 Cinelight decide which CRT products to purchase?

17 MR. DIEHL: Objection; form, foundation.

18 A. Again, I wouldn't distinguish Cinelight  
19 from Activelight or the others in -- in that respect.  
20 I think they are all comparable as a general matter.  
21 There were some products that were -- that would have  
22 been stocked and there were others that would have  
23 been ordered specifically on a case-by-case basis.

24 Q. Did the CRT product manufacturers that  
25 Cinelight purchased from differ in any way from the

1 remain competitive, you know, the market catches up  
2 to -- to the pricing after a point in time, sometimes  
3 more quickly than others. Certainly more recently  
4 with price shopping capability on the Internet, it's  
5 much more instantaneous. But, generally, others  
6 follow suit, you know, subsequently.

7 Q. I believe you testified earlier that  
8 Electrograph only purchased from domestic vendors.  
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15 foreign CRT product subsidiaries or vendors. Is that  
16 correct?

17 A. I'm not saying it never happened, but as  
18 a matter of general business activity, if it  
19 occurred, it would -- if it occurred, it would have  
20 been a rarity. Our -- our business activities were  
21 conducted with the U.S. subsidiaries.

22 Q. Did Electrograph ever visit CRT product  
23 vendors overseas?

24 A. I believe over the years Sam Taylor and  
25 I believe Mike Ahmar, perhaps Robbie Chikhani have

1 and I'm here representing the Samsung SDI defendants.

2 The first question I have for you is did  
3 Electrograph purchase anything from Samsung SDI  
4 during the relevant period?

5 A. I'm not aware of purchases directly from  
6 Samsung, SDI, who I believe is the entity that would  
7 be the manufacturer of the CRTs as opposed to the CRT  
8 products. Am I correct in that assumption?

9 Q. I'll represent to you that Samsung SDI  
10 is a manufacturer of CRTs. Did you purchase -- I  
11 take it from your answer, then, that Electrograph did  
12 not make any purchases of CRT products from Samsung  
13 SDI during the relevant period?

14 A. My response to that is Electrograph  
15 purchased CRT products from the U.S. subsidiary of  
16 the Samsung entity. I don't know specifically if the  
17 entity was a subsidiary of Samsung SDI. That's why I  
18 asked the question.

19 Q. Did Electrograph make any purchases of  
20 CRT products during the relevant period from Samsung  
21 Electronics?

22 A. Can I respond with a question back to  
23 you?

24 Q. Can you answer the question and ask your  
25 clarifying question?

1           A.       If Samsung Electronics had a U.S.  
2       subsidiary that was in the business of selling CRT  
3       products, then it's likely that Electrograph would  
4       have purchased those CRT products from that entity.  
5       I'm not familiar with the specific company names.  
6       Oftentimes there were restructurings, these company  
7       names changed from time to time.

8                       So what I -- what I am familiar with is  
9       that Electrograph purchased from the United States  
10      subsidiaries, dealt with the U.S. Samsung  
11      representatives in conducting that, those activities.  
12      We did not purchase from overseas entities directly.

13           Q.       So Electrograph purchased CRT products  
14      during the relevant period from some Samsung entity  
15      and you're not sure which one?

16           A.       My understanding is that the Samsung  
17      entity would likely have been part of Samsung  
18      Electronics. Samsung Electronics USA subsidiary,  
19      again, from time to time I think some of the names  
20      changed, but that's my understanding.

21           Q.       Do you know who at Electrograph dealt  
22      primarily with Samsung Electronics with respect to  
23      CRT products?

24           A.       As far as dealing primarily with, I  
25      think that's a very broad question. At an executive

# Exhibit 3

Frank Lincks

June 12, 2014

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1 Q. Okay.

2 A. That said, there could have been --  
3 there could have been a process by which someone in  
4 the purchasing organization kept a paper copy in  
5 addition to having an electronic copy and filed that  
6 away and that very well could be in -- in the paper  
7 records that we would have stored.

8 Q. Where were the CRT products you  
9 purchased shipped to?

10 A. Generally locations within the United  
11 States.

12 Q. Were they shipped to Electrograph  
13 warehouses first or were they ever shipped directly  
14 to customers?

15 A. Sometimes yes to each of those, yes.

16 Q. So Electrograph shipped -- ordered  
17 purchase orders that were shipped to its warehouses  
18 and also shipped directly to customers?

19 A. Let me -- let me try to help you and  
20 interpret your question and see if this is what  
21 you're asking.

22 Q. I appreciate that.

23 A. So there were times when Electrograph  
24 would issue a purchase order that was for product to  
25 be shipped to one of our warehouses and there were